

UNITED STATES DISTRICT COURT

for the
Southern District of Texas

United States Courts
Southern District of Texas
FILED

March 24, 2023

Nathan Ochsner, Clerk of Court

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

United States Postal Service Priority Mail Express
Parcel EI 304 591 292 US

Case No. **4:23-mj-572**

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

United States Postal Service Priority Mail Express Parcel EI 304 591 292 US, currently located at 4600 Aldine Bender Rd., Houston, TX 77315

located in the Southern District of Texas, there is now concealed (identify the person or describe the property to be seized):

See Attachment A

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

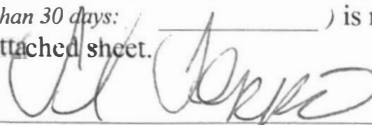
- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 USC 841(a)(1)	Possession with intent to distribute a controlled substance
21 USC 846	Conspiracy to possess with intent to distribute a controlled substance

The application is based on these facts:
See Attached Affidavit in Support of Application

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

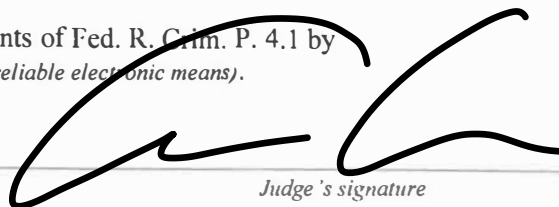
Silvia Torres, U.S. Postal Inspector

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by _____
by telephone _____ (specify reliable electronic means).

Date: March 24, 2023

City and state: Bend, OR



Judge's signature

Andrew M. Edison, United States Magistrate Judge

Printed name and title

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In the Matter of the Search of

**United States Postal Service
Priority Mail Express Parcel
EI 304 591 292 US**

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Case No. 4:23-mj-572

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Silvia Torres, being duly sworn, state the following:

AGENT BACKGROUND

1. I am a Postal Inspector with the United States Postal Inspection Service (“USPIS”) and have been so employed since June 2007, and currently assigned to the Houston, TX division. As part of my training as a Postal Inspector, I completed a 12-week training course in Potomac, Maryland, which included training in the investigation of drug trafficking using the mail. I am currently assigned to the USPIS Houston, Contraband Interdictions & Investigations team, which investigates the mailing of illegal narcotics, dangerous drugs, and their proceeds.

2. Since June 2007, I have participated in multiple investigations into violations of the Controlled Substances Act involving the United States Postal Service (“USPS”) and discussed my investigations with other experienced law enforcement officers. I have also participated in numerous interdiction operations, during which I intercepted parcels which were found to have contained controlled substances or the proceeds of controlled substance sales. For these reasons, I am familiar with how drug traffickers use the mail to facilitate their trafficking.

INTRODUCTION

3. I make this affidavit in support of a warrant pursuant to Rule 41 to search a package, further described in paragraph 9, to seize the things described in Attachment A.

4. Experience and drug trafficking intelligence information gathered by the USPIS have demonstrated that the U. S. Postal Service (“USPS”) Priority Express Mail and Priority Mail

are frequently utilized by drug traffickers to ship controlled substances or the proceeds of controlled substance sales or moneys furnished or intended to be furnished in exchange for controlled substances. Use of Priority Express Mail and Priority Mail are favored because of the speed (Express Mail - overnight; Priority mail - two-day delivery), reliability, free telephone and Internet package tracking services, as well as the perceived minimal chance of detection. Priority Express Mail and Priority Mail were originally intended for urgent, business to business, correspondence. Intelligence gathered from prior packages, which were found to contain controlled substances, or the proceeds of controlled substance sales or moneys furnished or intended to be furnished in exchange for controlled substances, has indicated that these parcels are usually addressed from an individual to an individual. Priority Express Mail and Priority Mail are seldom used for individual to individual correspondence.

5. In an effort to combat the flow of controlled substances through the overnight delivery services, interdiction programs have been established in cities throughout the United States by the USPIS. These cities have been identified as known 'sources' of controlled substances. The USPIS conducts an ongoing analysis of prior packages mailed through overnight delivery services, which were found to contain controlled substances or proceeds/payments of controlled substance sales. The analysis of prior packages, which were found to contain controlled substances, or the proceeds of controlled substance sales or moneys furnished or intended to be furnished in exchange for controlled substances, indicated that these parcels are usually sent from an individual to an individual. In the few cases when overnight delivery packages containing controlled substances, or the proceeds of controlled substance sales or moneys furnished or intended to be furnished in exchange for controlled substances, have displayed a business or company name, it has usually proven to be fictitious or used without the owner's knowledge and consent. Additionally, this analysis has established a series of characteristics which, when found in combination of two (2) or more, have shown a high probability that the package will contain a controlled substance, or the proceeds of controlled substance sales or moneys furnished or intended

to be furnished in exchange for controlled substances. Information collected by the USPS has demonstrated that the presence of these characteristics is significant for delivery services, to include USPS Priority Express Mail, Federal Express, and United Parcel Service. This profile includes, but is not limited to, the following characteristics: package mailed from or addressed to a narcotic source city; package has a fictitious return address; package addressee name is unknown at the destination address; package sender name is unknown at the return address; package has address information which is handwritten; package is mailed to or from a Commercial Mail Receiving Agency (CMRA); package is addressed from an individual to an individual; phone numbers listed on the package are not related to the listed parties or are not in service; packages are wrapped and/or heavily taped; frequency of the mailings is inconsistent with normal use absent a business relationship; and the ZIP Code from where the package is mailed is different than the ZIP Code used in the return address.

6. The USPS analysis of prior narcotics packages mailed through overnight delivery services has consistently shown that the identification of source cities has proven to be one of several reliable characteristics used in identifying suspect parcels. This analysis has also demonstrated that narcotics parcels originating from states other than source locations have been consistently found to contain designer drugs, such as Ecstasy, GBL, GHB, Anabolic Steroids, and other similar controlled substances. Generally, such designer drugs are not organic and are the product of a laboratory process.

7. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not purport to set forth all my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only.

8. It is affiant's belief that based upon information discovered, there will be evidence of criminal activities, namely offenses involving the possession with intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1); Conspiracy to Possess with Intent to Distribute a controlled substance, in violation of Title 21, United States Code, Section 846; and money laundering, in violation of Title 18, United States Code, Section 1956.

TARGET PACKAGE

9. This affidavit is made in support of an application for a federal search warrant to search USPS Priority Mail Express Parcel: EI304591292US (Subject Parcel), described more particularly as follows:

Subject Parcel:	USPS Priority Mail Express Parcel: EI304591292US
Sender:	Brandon Smith 9767 Pagewood Ln Houston, TX 77042 (As Written on Subject Parcel)
Addressee:	Delvin Wilson 1913 Arts Street New Orleans, LA 70117 (As Written on Subject Parcel)
Size:	USPS Ready Post Mailing Carton 12" X 10" X 8"
Postmarked:	March 20, 2023
Postmark Origin:	Houston, TX 77063
Postage Amount:	\$40.40
Weight:	1 lb. 15.1 oz.

PROBABLE CAUSE

10. Prior investigations conducted by Postal Inspectors have identified Houston, TX, and the surrounding areas, as a source area and New Orleans, LA, and the surrounding areas, as a

destination area for controlled substances and/or the proceeds from the sale of controlled substances.

11. On or about March 21, 2023, Affiant observed the Subject Parcel while at the North Houston Processing and Distribution Center (“N HOU P&DC”), within the Southern District of Texas. A review of the Subject Parcel noted that it bore several characteristics indicative of a parcel which likely contained a controlled substance or moneys furnished or intended to be furnished towards the purchase of controlled substances.

12. The Subject Parcel was observed to have the following characteristics: It was mailed utilizing Priority Mail Express service from a known source state (TX) to a known destination state (LA); has waived signature confirmation of delivery; was mailed without a business account; package sender name is unknown at the return address; the package addressee name is unknown at the destination address; and the phone number listed on the package was not in service.

13. On or about March 21, 2023, Affiant conducted an open records query of the sender information listed on the Subject Parcel which revealed that the listed sender address on the Subject Parcel “9767 Pagewood Ln., Houston, TX 77042” was a legitimate address. However, the address is a large apartment complex, and no apartment number was listed. Additionally, the sender “Brandon Smith” has no known associations to any apartment number in the complex. Affiant knows based upon her training and experience that narcotics traffickers often use incomplete addresses and fictitious names to conceal their true identities from law enforcement. Additionally, Affiant dialed the telephone number listed on the parcel “504-596-1673” and learned the phone number was not in service. Affiant knows based upon her training and experience that narcotics traffickers often write telephone numbers on the mailing label to lend legitimacy to a parcel but will use fictitious phone numbers to conceal their identities from law enforcement.

14. On or about March 21, 2023, Affiant conducted an open records query of the recipient information listed on the Subject Parcel which revealed that the listed address on the

Subject Parcel: “1913 Arts Street, New Orleans, LA 70117” is a valid delivery address. However, the recipient “Delvin Wilson” has no known associations with the address. Affiant knows based upon her training and experience that narcotics traffickers often use fictitious names to conceal their true identities from law enforcement .

15. On or about March 22, 2023, Affiant obtained the assistance of Officer T. Lott, a Canine Officer (“K9”) with the Houston Police Department and certified handler of K9 “Ice.” Officer T. Lott and “Ice” are certified as a team in the detection of controlled substances. Officer T. Lott and “Ice” received their certification through the National Narcotic Detector Dog Association (“NNDDA”). “Ice” has numerous hours of training in the detection of controlled substances such as Marijuana, Cocaine, Methamphetamine, MDMA and Heroin. “Ice” has successfully alerted on concealed controlled substances in numerous prior cases, which has led to the arrest of numerous suspects for drug law violations. “Ice” was last certified in October 2022.

16. Upon Officer T. Lott’s arrival, “Ice” was allowed to examine the Subject Parcel along with three (3) “dummy” boxes (boxes containing no suspected controlled substances, which are empty boxes) on the floor in different locations known not to be contaminated with the odor of controlled substances. “Ice” conducted an exterior examination of the Subject Parcel and “dummy” boxes. Officer T. Lott advised that “Ice” indicated a positive alert to the presence of a controlled substance scent coming from within the Subject Parcel.

CONCLUSION

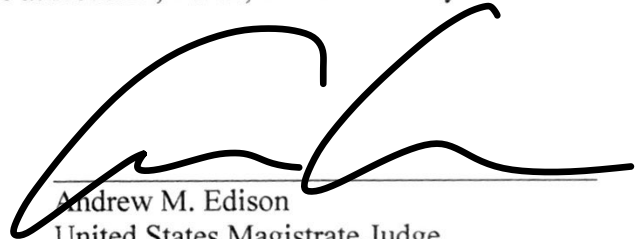
17. Based on the facts set forth above, there is probable cause to believe the Subject Parcel contains one or more controlled substances, drug paraphernalia, proceeds of controlled substance sales or moneys furnished or intended to be furnished in exchange for controlled substances, and material relating to the distribution of same. In the past, all the above factors have been indicative of packages which contained illegal controlled substances, or the proceeds of controlled substance sales or moneys furnished or intended to be furnished in exchange for controlled substances.

18. The Subject Parcel is currently in the custody of your Affiant. Affiant, therefore, seeks the issuance of a search warrant for the search of the Subject Parcel for any such controlled substance, proceeds/funds for controlled substances or evidence, fruits of crime, and instrumentalities, in violation of Title 21, United States Code, Sections 841(a)(1), and 846.

A handwritten signature in dark ink, appearing to read 'Silvia Torres', written over a horizontal line.

Silvia Torres
U. S. Postal Inspector

Subscribed and sworn to me by telephone at Houston, Texas, on this 24th day of March 2023, and I do hereby find probable cause.

A large, stylized handwritten signature in black ink, written over a horizontal line.

Andrew M. Edison
United States Magistrate Judge

ATTACHMENT A

Property to be seized.

Any and all evidence, including but not limited to physical items, records and data relating to violations of Federal Narcotics Laws, including It is affiant's belief that based upon the investigation, the following statutes may have been violated; Title 21, United States Code, Section 841(a)(1) (possession with intent to distribute controlled substances); Title 21, United States Code, Section 846 (conspiracy); and, Title 18, United States Code, Section 1956 (money laundering), those violations involving unknown subjects and occurring after March 6, 2023, through present, including:

- a. Any and all controlled substances;
- b. Identifying information, including but not limited to fingerprints, DNA, or other identifying material;
- c. Cash money, United States currency, foreign currency, checks, or any other form;
- d. Checks, debit cards, identifications, financial instruments, and other financial items.

ATTACHMENT A

Property to be seized.

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- d. Checks, debit cards, identifications, financial instruments, and other financial items.